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**From:** Duffy, Rick [Duffy.Rick@epa.gov]  
**Sent:** 9/27/2018 3:00:00 PM  
**To:** Lischinsky, Robert [Lischinsky.Robert@epa.gov]  
**CC:** Segall, Martha [Segall.Martha@epa.gov]  
**Subject:** FW: Two CAA Rules with Actions That Need Your Input

Rob, we will need to put together a response to John and Kate on the string below regarding coordination with OCE on rules, and MM2A in particular.

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**From:** Dombrowski, John  
**Sent:** Thursday, September 27, 2018 10:53 AM  
**To:** Anderson, Kate <Anderson.Kate@epa.gov>  
**Cc:** Segall, Martha <Segall.Martha@epa.gov>; Duffy, Rick <Duffy.Rick@epa.gov>  
**Subject:** Re: Two CAA Rules with Actions That Need Your Input

Yes. Let's discuss the coordination process with OCE overall so we all understand how this is supposed to be working and what adjustments may be needed on our end or OCE's end. Thx

John Dombrowski, P.E.  
Deputy Director  
Office of Compliance  
Office of Enforcement and Compliance Assurance, U.S. EPA  
202-365-8796 (Cell)

Sent from my iPhone

On Sep 27, 2018, at 10:48 AM, Anderson, Kate <Anderson.Kate@epa.gov> wrote:

Just met with Rosemarie and Greg and evidently Terry was also working on reviewing this rule and identified an issue involving a limitation on federal enforceability. They were surprised by the email John sent saying there were no issues –so clearly some communication was crossed. OCE will be briefing Patrick Traylor at their regularly scheduled biweekly next Wed, Oct 3 at 10 and are going to invite Sarah to attend. Probably a good idea to try to understand what the disconnect was to ensure it is a one-off.

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**From:** Segall, Martha  
**Sent:** Thursday, September 27, 2018 9:46 AM  
**To:** Dombrowski, John <Dombrowski.John@epa.gov>  
**Cc:** Duffy, Rick <Duffy.Rick@epa.gov>; Anderson, Kate <Anderson.Kate@epa.gov>  
**Subject:** Re: Two CAA Rules with Actions That Need Your Input

That was my understanding. I will check into what is going on.

Sent from my iPhone

On Sep 27, 2018, at 8:17 AM, Dombrowski, John <Dombrowski.John@epa.gov> wrote:

I thought these actions are coordinated with OCE? The note below gives a different impression unless I am reading it wrong. Let's discuss. Thx

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John Dombrowski, P.E.  
Director (Acting)  
Office of Compliance  
Office of Enforcement and Compliance Assurance, U.S. EPA  
WJC South, Room 5140A (within 5142 bay area)  
202-566-0742 (Office)  
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**From:** Kelley, Rosemarie  
**Sent:** Wednesday, September 26, 2018 6:26 PM  
**To:** Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Cc:** Dombrowski, John <[Dombrowski.John@epa.gov](mailto:Dombrowski.John@epa.gov)>; Brooks, Phillip <[Brooks.Phillip@epa.gov](mailto:Brooks.Phillip@epa.gov)>; Chapman, Apple <[Chapman.Apple@epa.gov](mailto:Chapman.Apple@epa.gov)>; Sullivan, Greg <[Sullivan.Greg@epa.gov](mailto:Sullivan.Greg@epa.gov)>  
**Subject:** FW: Two CAA Rules with Actions That Need Your Input

Patrick –

Both OC and OCE have staff on the MM2A rulemaking. My understanding is that they have divided up the issues. Terri Dykes is our rep and she has some concerns about the issues she is covering. We plan to talk with you about those concerns next week. We were going to talk to you about it this week, but we learned yesterday that the options selection meeting mentioned in John's email below has been rescheduled to October 11.

Rosemarie

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**From:** Dombrowski, John  
**Sent:** Monday, September 24, 2018 5:33 PM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>; Segall, Martha <[Segall.Martha@epa.gov](mailto:Segall.Martha@epa.gov)>; Duffy, Rick <[Duffy.Rick@epa.gov](mailto:Duffy.Rick@epa.gov)>; Lischinsky, Robert <[Lischinsky.Robert@epa.gov](mailto:Lischinsky.Robert@epa.gov)>; Mia, Marcia <[Mia.Marcia@epa.gov](mailto:Mia.Marcia@epa.gov)>  
**Subject:** Two CAA Rules with Actions That Need Your Input

Susan,

There are a couple of upcoming CAA rulemaking actions that we need your input on. They include the following:

1. Major Source 2 Area Source (MM2A) Proposed Rulemaking — Option Selection Meeting is scheduled for September 27<sup>th</sup> and Analytic Blueprint waiver request.
2. Lime Manufacturing NESHAP Risk and Technology Review (RTR) Proposed Rulemaking — Down tiering request.

MM2A:

First, you are invited to the Options Selection Meeting for the MM2A Rule on Thursday. We have not identified any issues for OECA and do

not expect any issues on either of these rule. Also, OAR is requesting to waive the Analytic Blueprint ADP milestone for the MM2A rule. We had requested the rule be up-tiered and they have done that. As a Tier 2 rule, they now trigger the ADP milestone for an Analytic Blueprint. OECA has been fully engaged on the workgroup since the beginning (March 2018), and the workgroup chair provided the workgroup a draft plan for the proposal in May 2018 that we believe could effectively meet the requirement for an Analytic Blueprint. We have not identified any issues. **Recommendation for this rule: Delegate attendance of the Option Selection meeting to Martha Segall and her staff in MAMPD, and agreeing to the request to waive the Analytic Blueprint.**

**Lime Manufacturing Rule:**

We received a request to move from a Tier 2 to a Tier 3 for the proposed rule for the Lime Manufacturing NESHAP RTR. **We recommend agreeing to the down tiering request** based on the lack of significant residual risk, no technological improvements, and no plans (that we are aware of) to make other significant changes to the rule. The workgroup chair has committed to continuing to work with OECA and provide informational meetings and documents to review as needed.

Please let us know if you are okay with us proceeding as recommended or if you need additional information. Below is additional information on each of the rulemaking efforts.

Additional Background Information on Each Action

• **Major Source 2 Area Source (MM2A) Proposed Rulemaking:**

We have received a request to waive the Analytic Blueprint ADP milestone on the Reclassification of Major Sources to Area Sources (Once In, Always In) Proposed Rulemaking. This rule codifies the changes outlined in the January 2018 Wehrum Reclassification memo in the General Provisions of Part 63. This rule was originally a Tier 3 rule, but based on OECA's request, OAQPS agreed to raise it to Tier 2. Because the change to Tier 2 was made mid-stream, there are some ADP milestones that OAQPS is just now addressing, including the Analytic Blueprint. In light of Patrick's recent guidance to not approve ADP process waivers until after we had received all materials, we wanted to make sure you were comfortable with us signing this waiver request. OECA has been fully engaged on the workgroup since the beginning (March 2018), and the workgroup chair provided the workgroup a draft plan for the proposal in May 2018 that we believe could effectively meet the requirement for an Analytic Blueprint. Based on this and the fact that we do not currently have any issues, we recommend agreeing to the request to waive the Analytic Blueprint for this rule.

Also, we expect the Options Selection for this rule to be scheduled for September 27<sup>th</sup>. We have not yet received any official briefing materials, but based on workgroup discussions, we do not expect significant OECA issues at this point. We recommend that you delegate attendance at the meeting to Martha Segall and her staff in MAMPD.

- **Lime Manufacturing NESHAP Risk and Technology Review (RTR)**  
**Proposed Rulemaking:**

Based on these risk results and the technology review findings, OAR would like to down tier the Lime Manufacturing NESHAP RTR (SAN 5948) from Tier 2 to Tier 3. The rule covers 34 facilities at major sources and sets PM limits. This proposed rule is included in the group of RTRs with a court order deadline of March 2020. The rationale for down tiering is as follows:

- The risks from the source category are low, and at levels that are deemed to be acceptable. The current NESHAP provides an ample margin of safety. The maximum individual cancer risk for inhalation was estimated to be 1-in-1 million. Inhalation chronic noncancer hazard indices based on actual and allowable emissions, as well as acute noncancer hazard quotients based on actual emissions, were estimated to be 1 or lower. Potential multipathway risks are not expected to be an issue.
- Searches of permits and ICR responses from lime manufacturing facilities' owners and operators have not yielded any significant developments for our technology review. The extensive ICR sent to nine companies covered 30 of the 34 major source facilities.
- We do not anticipate any novel or innovative approaches being considered.
- We are not aware of any environmental justice issues or potential adverse environmental effects.
- Although we are requesting down tiering, we plan to continue having open communication with the workgroup via emails and conference calls. We plan to provide drafts of documents (technical memos and reg packages) for workgroup review, and will communicate to our management any concerns that can't be resolved at the staff level.